

EXHIBIT A

SUMMONS

(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Leprino Foods Company and Does 1-25

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Patrick McDonald

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Filed **AUG 25 2022** RECEIVED
2022-08-26 10:30:54
BRANDON E. RILEY, CLERK
By *[Signature]*
DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO:** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of California
180 E. Weber Ave, Suite 200
Stockton, CA 95202

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Albert J. Lenzi, Jr. 90911 Zink & Lenzi
250 Vallombrosa Ave., Suite 175 (530) 895-1234
Chico, CA 95926

DATE:
(Fecha)

AUG 25 2022

BRANDON E. RILEY Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

Leprino Foods company

3. ☒ on behalf of (specify):

under:

☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

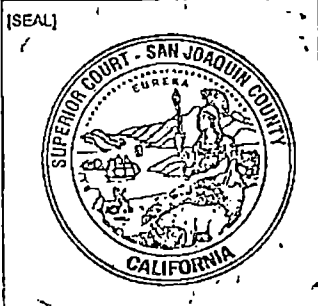
☐ CCP 416.40 (association or partnership)

☒ other (specify):

BUSINESS ORGANIZATION, FORM UNKNOWN

4. ☒ by personal delivery on (date):

3/6/2023



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): — Albert J. Lenzi, Jr. 90911 Zink & Lenzi 250 Vallombrosa Ave., Suite 175 Chico, CA 95926 TELEPHONE NO.: (530) 895-1234 FAX NO. (Optional): (530) 895-1254 E-MAIL ADDRESS (Optional) al@zinkandlenzi.com ATTORNEY FOR (Name): Plaintiff Patrick McDonald	FOR COURT USE ONLY Electronically Filed Superior Court of California County of San Joaquin 2022-08-25 10:30:54 Clerk: Mia Stipe
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin STREET ADDRESS: 180 E Weber Ave, Suite 200 MAILING ADDRESS: 180 E Weber Ave, Suite 200 CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME: Unlimited Civil Division	Case Management Conference 02/23/2023 08:30 AM in 11B STK-CV-UPI-2022-0007510
PLAINTIFF: Patrick McDonald DEFENDANT: Leprino Foods Company	
<input checked="" type="checkbox"/> DOES 1 TO 25	
COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:

1. Plaintiff (name or names): Patrick McDonald

alleges causes of action against defendant (name or names): Leprino Foods Company

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

b. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE: **Case 2:23-cv-00637-TLN-DB Document 1-1 Filed 04/05/23 Page 4 of 24**
 McDonald v. Leprino, et al.

CASE NUMBER:

4. ☐ Plaintiff (*name*):
 is doing business under the fictitious name (*specify*):
 and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ **except** defendant (*name*):
 Leprino Foods Co.
 (1) ☒ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (*describe*):
 (4) ☐ a public entity (*describe*):
 (5) ☐ other (*specify*):
- c. ☐ **except** defendant (*name*):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (*describe*):
 (4) ☐ a public entity (*describe*):
 (5) ☐ other (*specify*):
- b. ☐ **except** defendant (*name*):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (*describe*):
 (4) ☐ a public entity (*describe*):
 (5) ☐ other (*specify*):
- d. ☐ **except** defendant (*name*):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (*describe*):
 (4) ☐ a public entity (*describe*):
 (5) ☐ other (*specify*):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (*specify Doe numbers*): 1-25 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (*specify Doe numbers*): 1-25 are persons whose capacities are unknown to plaintiff.
- ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
- a. ☒ at least one defendant now resides in its jurisdictional area.
- b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (*specify*):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (*specify*):

SHORT TITLE: **Case 2:23-cv-00637-TLN-DB Document 1-1 Filed 04/05/23 Page 5 of 24**
 McDonald v. Leprino

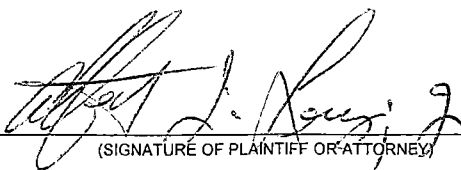
CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):
- ☐ Motor Vehicle
 - ☐ General Negligence
 - ☐ Intentional Tort
 - ☐ Products Liability
 - ☒ Premises Liability
 - ☐ Other (*specify*) :
11. Plaintiff has suffered
- ☒ wage loss
 - ☐ loss of use of property
 - ☒ hospital and medical expenses
 - ☒ general damage
 - ☐ property damage
 - ☒ loss of earning capacity
 - ☐ other damage (*specify*) :
12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- ☐ listed in Attachment 12.
 - ☐ as follows:
13. The relief sought in this complaint is within the jurisdiction of this court.
14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- (1) ☒ compensatory damages
 - (2) ☐ punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (1) ☒ according to proof
 - (2) ☐ in the amount of: \$
15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: August 25, 2022

Albert J. Lenzi, Jr.

(TYPE OR PRINT NAME)


 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: McDonald v. Leprino

CASE NUMBER:

First

CAUSE OF ACTION - Premises Liability

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint
 (Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Patrick McDonald

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): 8/28/2020

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

At defendant's manufacturing and distribution facility at 2401 N. MacArthur Dr., Tracy, San Joaquin County, California, slipped in water allowed to puddle on the premises in an area people would foreseeably be walking causing Plaintiff to fall and sustain serious injury.

Prem.L-2. ☒ **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
 Leprino Foods and

☒ Does 1 to 25

Prem.L-3. ☐ **Count Two-Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does _____ to _____
 Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three-Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does _____ to _____

- a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
 b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☐ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☐ Does _____ to _____

- b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):

ZINK & LENZI

ATTORNEYS AT LAW

250 VALLOMBROSA AVE., SUITE 175

CHICO, CALIFORNIA 95926

Tel: 530 / 895-1234

Fax: 530 / 895-1254

J. D. ZINK - SBN: 58726

ATTORNEYS FOR: Plaintiff, Patrick McDonald

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN JOAQUIN

PATRICK MCDONALD,

No: STK-CV-UPI-2002-0007510

Plaintiff,

NOTICE OF CONTINUED CASE
MANAGEMENT CONFERENCE

vs.

LEPRINO FOODS COMPANY, et
al.,

Defendants.

TO: LEPRINO FOODS COMPANY

Notice is hereby given that the Case Management Conference
in the above entitled matter has been continued to 8:30 a.m. on
May 25, 2023, in Department 11B of the above entitled court.

DATED: March 1, 2023

ZINK & LENZI


ALBERT J. LENZI, JR.
Attorney for Plaintiffs

NOTICE OF CONTINUED CASE
MANAGEMENT CONFERENCE



SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

ALTERNATIVE DISPUTE RESOLUTION

PACKET

SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

Sharif Elmallah
Court Executive Officer
1775 Concord Ave.,
Chico, California 95928
(530)532-7009

This packet contains information regarding Alternative Dispute Resolution (ADR) and the form to stipulate to ADR.

Note: This packet must be served to the opposing party along with the complaint. (California Rule of Court 3.221)

YOU DON'T HAVE TO GO TO TRIAL: Other Ways to Resolve a Civil Dispute

*Did you know that most civil lawsuits settle without a trial? There are a number of ways to resolve civil disputes without having to go to trial. These alternatives to a lawsuit are known as **Alternative Dispute Resolution (ADR)** an increasingly popular option that allows people to resolve disputes outside of court in a cooperative manner.*

Butte County's ADR department is dedicated to helping you determine the type of ADR that is most likely to help you resolve your dispute. For more questions, please contact Butte County Superior Court at (530) 532-7009 or visit our ADR website at <http://www.buttecourt.ca.gov/apps/CivilADR/Default.htm>

What Are The Advantages Of Using ADR?

- ❑ *Faster* – Litigation can take years to complete but ADR usually takes weeks or months.
- ❑ *Cheaper* – Parties can save on attorneys' fees and litigation costs.
- ❑ *Cooperative and less stressful* – In mediation, parties cooperate to find a mutually agreeable resolution.
- ❑ *Preserve Relationships* – A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

What Are The Disadvantages Of Using ADR?

- ❑ *ADR may not be suitable for every dispute*
- ❑ *You may go to court anyway* – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.
- ❑ *Loss of protections* – If ADR is binding, then you may give up some court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.

What types of Disputes are suitable for ADR?

ADR techniques have been used successfully in a variety of disputes:

- ❑ Business disputes- contracts, partnerships
- ❑ Property / Land use disputes- property transfers, boundaries, easements
- ❑ Consumer / Collection disputes- repairs, services, warranties, debts
- ❑ Employment disputes- employment contracts, terminations
- ❑ Landlord/tenant disputes- evictions, rent, repairs, security deposits
- ❑ Neighborhood disputes / Relational disputes or other civil or personal conflicts
- ❑ Personal Injury / Insurance disputes- accidents, coverage, liability

Types of ADR Available in Butte County

❑ ***Mediation (Local Rule 6)***

In mediation, the mediator (a neutral) assists the parties in reaching a mutually acceptable resolution of their dispute. The mediator does not decide how the dispute is to be resolved. The parties do. It is a cooperative process in which the parties work together toward a resolution that tries to meet everyone's interests. Mediation often leads to better communication between the parties and lasting resolutions.

- *Cases for Which Mediation May Be Appropriate:* Mediation may be particularly useful when parties have a relationship they want to preserve (family members, neighbors, business partners). Mediation is also useful when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in a nondestructive manner.

- *Cases for Which Mediation May Not Be Appropriate:* Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.
- **Arbitration (Local Rule 6)**

In arbitration, the arbitrator (a neutral) reviews evidence, hears arguments, and makes a decision (award) to resolve the dispute. Arbitration normally is more informal, quicker, and less expensive than a lawsuit. In a matter of hours, an arbitrator often can hear a case that otherwise may take a week in court to litigate. *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. Generally, there is no right to appeal an arbitrator's decision. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision. However, if that party does not receive a more favorable result at trial, they may have to pay a penalty.

 - *Cases for Which Arbitration May Be Appropriate:* Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.
 - *Cases for Which Arbitration May Not Be Appropriate:* If parties want to retain control over how their dispute is resolved, arbitration may not be appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.
- **Settlement Conferences (Local Rule 3)**

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option.

Neutral Selection

The selection of a neutral is an important decision. For your convenience, the court has made available a list of neutrals that can assist parties in resolving their disputes. The two-tiered panel is comprised of individuals that have met the requirements set forth by the court to provide dispute resolution services. Neutrals from the "Random Select" Panel will provide up to three hours of mediation free of charge and will be randomly assigned by the court. Neutrals from the "Party Select" Panel can be chosen by you and are available to assist you on a fee-for-service basis.

Panelists are not Court employees; therefore service, style and expertise will vary by individual provider.

There are several types of ADR beside mediation, arbitration and settlement conferences, including case evaluation, conciliation, and mini-trials. The important thing is to try to find the type or types of ADR that are most likely to help you resolve your dispute.

Who Should I Contact?

To locate a dispute resolution program or neutral in your community, call:

The Consumer Information Center at 1-800-952-5210;

The Butte County Bar Association (530) 332-8156 Email: butte.county.bar.association@gmail.com;

Look in the Yellow Pages under "Arbitrators" or "Mediators";

Or contact Butte County Superior Court at (530) 532-7009

<http://www.buttecourt.ca.gov/apps/CivilADR/Default.htm>

BUTTE COUNTY SUPERIOR COURT PANEL MEDIATORS

Random Select Mediators

Melissa Atteberry
Lorie Brooks
Sharon Cohen
O'Neil Dennis
Joel P. Franciosa
Anthony Galyean
Peter Geissler
Virginia Gingery
Mark Habib
Les Hait
John T. Harris
Kimberly Henderson
M. Brooks Houghton
David Howard
Mark Johnson
Gilbert Jones
Dawn Kusumoto
Joel Massae
Erin McIntosh
Miriam McNally
Chester Morris
David Murray
Michael Polsan
Alicia Rock
Michael Rooney
Deborah Schowalter
Joseph Selby
Frances Simmons
Jane Stansell
Kenneth Turner
Cheryl L. Tyree
Bobette Vassar
Erwin Williams
Martha Wilson
Elisabeth Woodward

Party Select Mediators

Darrel Lewis
Kimberly Steffenson
John Zorbas

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): TELEPHONE NO: ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE <input type="checkbox"/> Butte County Courthouse One Court Street Oroville, CA 95965 (530) 538-7002 <input type="checkbox"/> North Butte County Courthouse 1775 Concord Avenue, Chico, CA 95926 (530) 532-7009	
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):	
STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)	
CASE NUMBER:	

The undersigned parties stipulate to participate in Alternative Dispute Resolution (ADR) in the above-entitled action, as follows:

1. ALTERNATIVE DISPUTE RESOLUTION PROCESS:

☐ Mediation

☐ Mediator assigned from the "Random Select" panel. (Pursuant to Local Rule 6.8, mediators on the Court's "random select" panel will provide up to three (3) hours of mediation free of charge)

☐ Mediator chosen by the parties from the "Party Select" panel. (Pursuant to Local Rule 6.8, parties will be charged an amount as agreed upon by the mediator and will be the responsibility of the parties)

☐ Private mediator chosen by the parties – not on Court panel.

Mediator Name: _____

☐ Non-Binding Arbitration

☐ Binding Arbitration

☐ Arbitrator chosen by the parties from the Court panel. (Pursuant to Local Rule 6.8, parties will receive up to three hours of arbitration hearing time free of charge. Compensation for additional hours will be negotiated between the parties and the arbitrator and will be the responsibility of the parties)

☐ Private arbitrator chosen by the parties – not on Court panel

Arbitrator Name: _____

Dated: _____

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

☐ Additional Signature(s) on reverse

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

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Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Page 1 of 5

CM-110

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☐ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

- a. ☐ The trial has been set for *(date)*:
 b. ☐ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:
 c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

- a. ☐ days *(specify number)*:
 b. ☐ hours (short causes) *(specify)*:

8. **Trial representation *(to be answered for each party)***

The party or parties will be represented at trial ☐ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
 b. Firm:
 c. Address:
 d. Telephone number:
 e. E-mail address:
 f. Fax number:
 g. Party represented:
☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

- a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 of the California Rules of Court for information about the processes available through the court and community programs in this case.
 (1) For parties represented by counsel: Counsel ☐ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
 (2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.
 b. **Referral to judicial arbitration or civil action mediation *(if available)*.**
 (1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
 (2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
 (3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:

CM-110

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

- ☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- ☐ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☐ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|--------------------|-------------|
| | | |
- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

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PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed *(if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):*

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference *(specify):*

19. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court *(if not, explain):*
- b. ☐ After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following *(specify):*

20. Total number of pages attached *(if any):* _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date:

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

ALTERNATIVE DISPUTE RESOLUTION

PACKET

SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

Sharif Elmallah
Court Executive Officer
1775 Concord Ave.,
Chico, California 95928
(530)532-7009

This packet contains information regarding Alternative Dispute Resolution (ADR) and the form to stipulate to ADR.

Note: This packet must be served to the opposing party along with the complaint. (California Rule of Court 3.221)

YOU DON'T HAVE TO GO TO TRIAL: Other Ways to Resolve a Civil Dispute

*Did you know that most civil lawsuits settle without a trial? There are a number of ways to resolve civil disputes without having to go to trial. These alternatives to a lawsuit are known as **Alternative Dispute Resolution (ADR)** an increasingly popular option that allows people to resolve disputes outside of court in a cooperative manner.*

Butte County's ADR department is dedicated to helping you determine the type of ADR that is most likely to help you resolve your dispute. For more questions, please contact Butte County Superior Court at (530) 532-7009 or visit our ADR website at <http://www.buttecourt.ca.gov/apps/CivilADR/Default.htm>

What Are The Advantages Of Using ADR?

- ❑ *Faster* – Litigation can take years to complete but ADR usually takes weeks or months.
- ❑ *Cheaper* – Parties can save on attorneys' fees and litigation costs.
- ❑ *Cooperative and less stressful* – In mediation, parties cooperate to find a mutually agreeable resolution.
- ❑ *Preserve Relationships* – A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

What Are The Disadvantages Of Using ADR?

- ❑ *ADR may not be suitable for every dispute*
- ❑ *You may go to court anyway* – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.
- ❑ *Loss of protections* – If ADR is binding, then you may give up some court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.

What types of Disputes are suitable for ADR?

ADR techniques have been used successfully in a variety of disputes:

- ❑ Business disputes- contracts, partnerships
- ❑ Property / Land use disputes- property transfers, boundaries, easements
- ❑ Consumer / Collection disputes- repairs, services, warranties, debts
- ❑ Employment disputes- employment contracts, terminations
- ❑ Landlord/tenant disputes- evictions, rent, repairs, security deposits
- ❑ Neighborhood disputes / Relational disputes or other civil or personal conflicts
- ❑ Personal Injury / Insurance disputes- accidents, coverage, liability

Types of ADR Available in Butte County

❑ ***Mediation (Local Rule 6)***

In mediation, the mediator (a neutral) assists the parties in reaching a mutually acceptable resolution of their dispute. The mediator does not decide how the dispute is to be resolved. The parties do. It is a cooperative process in which the parties work together toward a resolution that tries to meet everyone's interests. Mediation often leads to better communication between the parties and lasting resolutions.

- *Cases for Which Mediation May Be Appropriate:* Mediation may be particularly useful when parties have a relationship they want to preserve (family members, neighbors, business partners). Mediation is also useful when emotions are getting in the way of resolution. An effective mediator can hear the parties out and help them communicate with each other in a nondestructive manner.

- *Cases for Which Mediation May Not Be Appropriate:* Mediation may not be effective if one of the parties is unwilling to cooperate or compromise. Mediation also may not be effective if one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.
- **Arbitration (Local Rule 6)**

In arbitration, the arbitrator (a neutral) reviews evidence, hears arguments, and makes a decision (award) to resolve the dispute. Arbitration normally is more informal, quicker, and less expensive than a lawsuit. In a matter of hours, an arbitrator often can hear a case that otherwise may take a week in court to litigate. *Binding arbitration* means that the parties waive their right to a trial and agree to accept the arbitrator's decision as final. Generally, there is no right to appeal an arbitrator's decision. *Nonbinding arbitration* means that the parties are free to request a trial if they do not accept the arbitrator's decision. However, if that party does not receive a more favorable result at trial, they may have to pay a penalty.

 - *Cases for Which Arbitration May Be Appropriate:* Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.
 - *Cases for Which Arbitration May Not Be Appropriate:* If parties want to retain control over how their dispute is resolved, arbitration may not be appropriate. In binding arbitration, the parties generally cannot appeal the arbitrator's award, even if it is not supported by the evidence or the law. Even in nonbinding arbitration, if a party requests a trial and does not receive a more favorable result at trial than in arbitration, there may be penalties.
- **Settlement Conferences (Local Rule 3)**

Settlement conferences may be either mandatory or voluntary. In both types of settlement conferences, the parties and their attorneys meet with a judge or a neutral person called a "settlement officer" to discuss possible settlement of their dispute. The judge or settlement officer does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. Settlement conferences are appropriate in any case where settlement is an option.

Neutral Selection

The selection of a neutral is an important decision. For your convenience, the court has made available a list of neutrals that can assist parties in resolving their disputes. The two-tiered panel is comprised of individuals that have met the requirements set forth by the court to provide dispute resolution services. Neutrals from the "Random Select" Panel will provide up to three hours of mediation free of charge and will be randomly assigned by the court. Neutrals from the "Party Select" Panel can be chosen by you and are available to assist you on a fee-for-service basis.

Panelists are not Court employees; therefore service, style and expertise will vary by individual provider.

There are several types of ADR beside mediation, arbitration and settlement conferences, including case evaluation, conciliation, and mini-trials. The important thing is to try to find the type or types of ADR that are most likely to help you resolve your dispute.

Who Should I Contact?

To locate a dispute resolution program or neutral in your community, call:

The Consumer Information Center at 1-800-952-5210;

The Butte County Bar Association (530) 332-8156 Email: butte.county.bar.association@gmail.com;

Look in the Yellow Pages under "Arbitrators" or "Mediators";

Or contact Butte County Superior Court at (530) 532-7009

<http://www.buttecourt.ca.gov/apps/CivilADR/Default.htm>

BUTTE COUNTY SUPERIOR COURT PANEL MEDIATORS

Random Select Mediators

Melissa Atteberry
Lorie Brooks
Sharon Cohen
O'Neil Dennis
Joel P. Franciosa
Anthony Galyean
Peter Geissler
Virginia Gingery
Mark Habib
Les Hait
John T. Harris
Kimberly Henderson
M. Brooks Houghton
David Howard
Mark Johnson
Gilbert Jones
Dawn Kusumoto
Joel Massae
Erin McIntosh
Miriam McNally
Chester Morris
David Murray
Michael Polsan
Alicia Rock
Michael Rooney
Deborah Schowalter
Joseph Selby
Frances Simmons
Jane Stansell
Kenneth Turner
Cheryl L. Tyree
Bobette Vassar
Erwin Williams
Martha Wilson
Elisabeth Woodward

Party Select Mediators

Darrel Lewis
Kimberly Steffenson
John Zorbas

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): TELEPHONE NO: ATTORNEY FOR (Name):	FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE <input type="checkbox"/> Butte County Courthouse One Court Street Oroville, CA 95965 (530) 538-7002 <input type="checkbox"/> North Butte County Courthouse 1775 Concord Avenue, Chico, CA 95926 (530) 532-7009		
PETITIONER/PLAINTIFF(S): RESPONDENT/DEFENDANT(S):		
STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)		CASE NUMBER:

The undersigned parties stipulate to participate in Alternative Dispute Resolution (ADR) in the above-entitled action, as follows:

1. ALTERNATIVE DISPUTE RESOLUTION PROCESS:

☐ Mediation

☐ Mediator assigned from the "Random Select" panel. (Pursuant to Local Rule 6.8, mediators on the Court's "random select" panel will provide up to three (3) hours of mediation free of charge)

☐ Mediator chosen by the parties from the "Party Select" panel. (Pursuant to Local Rule 6.8, parties will be charged an amount as agreed upon by the mediator and will be the responsibility of the parties)

☐ Private mediator chosen by the parties – not on Court panel.

Mediator Name: _____

☐ Non-Binding Arbitration

☐ Binding Arbitration

☐ Arbitrator chosen by the parties from the Court panel. (Pursuant to Local Rule 6.8, parties will receive up to three hours of arbitration hearing time free of charge. Compensation for additional hours will be negotiated between the parties and the arbitrator and will be the responsibility of the parties)

☐ Private arbitrator chosen by the parties – not on Court panel

Arbitrator Name: _____

Dated: _____

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

Name of Stipulating Party
☐ Plaintiff ☐ Defendant ☐ Cross-defendant

Name of Party or Attorney Executing Stipulation

Signature of Party or Attorney

☐ Additional Signature(s) on reverse

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

Signature of Party or Attorney

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